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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,323

06/15/2005

Lauri Soderbacka

915-007.109

4842

4955 7590 09/04/2007

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EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/510,323

Applicant(s)

SODERBACKA ET AL.

Examiner

Bobbak Safaipoor

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

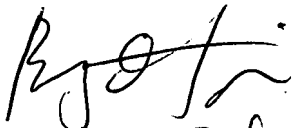
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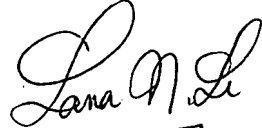
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: the argued features read upon the cited references. Regarding independent claims 1, 22, and 32, Applicant argues that Hasan only discloses a handover that is triggered by a service request requiring a particular network, not by an indication associated to a content clip. Examiner respectfully disagrees. Taking a closer look at the Hasan reference on page 6, Hasan discloses that the subscriber turns on his MT and attempts to start a multimedia session that requires multiple bearers in a 3G network. The recited claim language is given the broadest reasonable interpretation; therefore one of ordinary skill in the art can read this as an indication associated to a content clip. The multimedia session (i.e. content clip) in the Hasan reference requires a 3G network. The MT scans for 3G coverage, but there is none available, so the MT manages only to seize the voice bearer in the 2G network. Therefore, the subscriber makes a 2G voice call. At a later time, the subscriber enters an area of 3G coverage, and the MT detects a 3G signal above a minimum attenuation level. Handover is performed for the voice call, and the 3G service trigger launches preregistration toward the 3G system for the multimedia session. When the handover is complete, the multimedia application can seize another bearer for the video, providing the subscriber with the desired multimedia session. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies. Regarding independent claim 17, Applicant argues that Hasan fails to disclose the limitation of the claim for similar reasons with regard to claim 1. Examiner respectfully disagrees (see arguments above). Furthermore, Applicant argues that Sato does not disclose that there is an indication associated to deliver content clips that triggers a handover when required. However, the limitation that Sato reads on does not disclose that there is an indication associated to deliver content clips that triggers a handover when required. As indicated in the Office Action, this limitation is disclosed in the Hasan reference. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies. Regarding independent claim 21, Applicant argues that neither Hasan nor Sato disclose requiring information upon which an intersystem handover is performed is specifically information indicating that an intersystem handover is required for a deliver of a content clip initiated by a content provider. Examiner respectfully disagrees (see arguments above). As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.


Bobbak Safaipoor
8/22/07


8-23-07
LANA LE
PRIMARY EXAMINER